

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA]	
]	
v.]	No. 05-CR-30042-MLW
]	
CESAR CRUZ and]	
RICARDO DIAZ]	

**NOTICE OF GOVERNMENT'S INTENT TO PRESENT CERTAIN
EVIDENCE SUBJECT TO FEDERAL RULE OF EVIDENCE 404(b)**

The United States hereby gives notice that at trial it intends to present the following evidence of uncharged crimes, wrongs or acts, for the purpose of proving motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident:

1. On January 7, 2005, two days after a drug transaction charged in this case, CESAR CRUZ, while incarcerated at Hampden House of Correction on an unrelated matter, spoke by telephone with two unidentified females and an unidentified male. The call was, as a routine matter, recorded by the jail. During that conversation CRUZ discussed a gun and drugs that CRUZ had at his home.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/: Andrew E. Lelling
Andrew E. Lelling
Sharron Kearney
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 11, 2006.

ANDREW E. LELLING